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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO/OAKLAND
DIVISION

JANE ROE, an individual; MARY ROE,
an individual; SUSAN ROE, an
individual; JOHN ROE, an individual;
BARBARA ROE, an individual;
PHOENIX HOTEL SF, LLC, a
California limited liability company;
FUNKY FUN, LLC, a California limited
liability company; and 2930 EL
CAMINO, LLC, a California limited
liability company,

Plaintiffs,

v.

CITY AND COUNTY OF SAN
FRANCISCO, a California public entity,

Defendants.

Case No. 4:24-cv-01562-JST

**PLAINTIFFS' REPLY BRIEF IN
SUPPORT OF THEIR
ADMINISTRATIVE MOTION TO
EXTEND TIME**

**ASSIGNED FOR ALL PURPOSES
TO THE HONORABLE DISTRICT
JUDGE JON S. TIGAR,
COURTROOM 6**

Action Filed: 03/14/2024
Trial Date: Unassigned

1 Plaintiffs advise the Court of the facts of their efforts to schedule the
2 depositions of nonparty witnesses prior to the current due date, November 6, 2025, of
3 their reply brief.

4 On October 2, 2025, this Court issued an order stating that “Plaintiffs may
5 seek the depositions of Joe Wilson and Tyler TerMeer prior to filing their reply.”
6 (ECF no. 110.) That order stated any objections to these depositions should be
7 addressed to Magistrate Judge Illman.

8 Plaintiffs served subpoenas and noticed these depositions to take place on
9 October 21 and 22.

10 However, these depositions were taken off calendar at the last moment. The
11 reason being that at 4:54 p.m. on October 20, 2025, the City Attorney sent an email
12 to plaintiffs’ counsel notifying them that the City objected to the depositions on the
13 ground that they would cause plaintiffs’ total depositions to exceed the 10-deposition
14 limit. The City’s email explicitly said that the depositions should not go forward
15 unless and until Magistrate Judge Illman rules on the City’s objection.

16 On October 23, the parties submitted a joint discovery letter to Magistrate
17 Judge Illman (ECF. no, 114), who ordered a hearing for October 28. (ECF no. 115.)
18 Magistrate Judge Illman held the hearing on that date and ruled that plaintiffs could
19 depose third-party witnesses Joe Wilson and Dr. Tyler TerMeer. He ordered
20 plaintiffs’ counsel to obtain dates that these third-party witnesses and their counsel
21 would be available for deposition. He also ordered the parties to meet-and-confer and
22 propose a deadline by which the depositions were to occur, and to submit a report
23 and proposed stipulation to his court by October 30, 2025. Plaintiffs did so, reporting
24 that the depositions could go forward on November 13 and/or 14. (ECF. no.
25 119.) Plaintiffs then noticed both depositions to take place on November 14, a date
26 that worked for all counsel and the witnesses.

27 Plaintiffs’ counsel also met and conferred with defense counsel about
28 extending the deadlines for their reply brief and the City’s sur-reply. Plaintiffs

1 reported this information to Magistrate Judge Illman. (ECF no. 119.)

2 In sum, plaintiffs have made diligent efforts to obtain testimony from these
3 nonparty witnesses before the due date of the reply brief. Good cause exists to extend
4 the deadlines for the reply and sur-reply brief. It is plaintiffs that seek the relief in
5 the motion, not the City. No prejudice will befall the City if the Court grants
6 plaintiffs' administrative motion.

7 Dated: November 4, 2025

WALKUP, MELODIA, KELLY & SCHOENBERGER

8
9 By:



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PROOF OF SERVICE

**Jane Roe, et al. v. City and County of San Francisco, et al.
USDC-Northern California Case No. 4:24-cv-01562-JST**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the county where the mailing took place, My business address is 650 California Street, 26th Floor, City and County of San Francisco, CA 94108-2615.

On the date set forth below, I caused to be served true copies of the following document(s) described as

**PLAINTIFFS' REPLY BRIEF IN SUPPORT OF THEIR ADMINISTRATIVE
MOTION TO EXTEND TIME**

to:

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24 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the
25 document(s) with the Clerk of the Court by using the CM/ECF system. Participants
26 in the case who are registered CM/ECF users will be served by the CM/ECF system.
Participants in the case who are not registered CM/ECF users will be served by mail
or by other means permitted by the court rules.

27 I declare under penalty of perjury under the laws of the United States of
28 America that the foregoing is true and correct and that I am employed in the office of
a member of the bar of this Court at whose direction the service was made.

Executed on November 4, 2025, at San Francisco, California.



Kirsten Benzien